

Sinha 12-38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Patent Application**

Applicant(s): D. Sinha et al.  
Case: 12-38  
Serial No.: 09/238,136  
Filing Date: January 27, 1999  
Group: 2654  
Examiner: V. Paul Harper

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: V. Benvenuti Date: January 20, 2004

Title: Joint Multiple Program Coding for Digital Audio Broadcasting  
and Other Applications

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

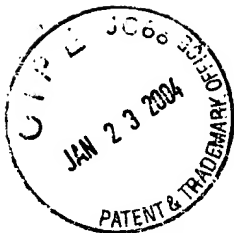
The remarks below are submitted in response to the final Office Action dated October 20, 2003, in the above-identified application. A Notice of Appeal is submitted concurrently herewith.

REMARKS

The present application was filed on January 27, 1999 with claims 1-20. Claims 1-20 remain pending in the present application. Claims 1, 10, 19 and 20 are the independent claims.

In the final Office Action, the Examiner rejected claims 1-5, 7-14 and 16-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,956,674 (hereinafter "Smyth"), and rejected claims 6 and 15 under 35 U.S.C. §103(a) as being unpatentable over Smyth in view of allegedly well known prior art.

In this response, Applicants traverse the §102(e) and §103(a) rejections. Applicants respectfully request reconsideration of the present application in view of the following remarks.



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Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

- (1) Response to Final Office Action; and
- (2) Notice of Appeal.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Ryan, Mason & Lewis, LLP Deposit Account No. 50-0762** as required to correct the error. A duplicate copy of the Notice of Appeal is enclosed.

Respectfully submitted,

*Joseph B. Ryan*

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Date: January 20, 2004

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2700  
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CMT  
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Approved UPB 2/10/04